

Applicant : Peters et al.  
Appl. No. : 10/595,601  
Examiner : Luther G. Behringer  
Docket No. : 13634.4011

## REMARKS

The examiner has withdrawn claims 39—48 from consideration as being directed to a non-elected invention. Specifically, the examiner indicated at section 4 of the office action that claims 39—48 recited a "means for generating fluid pressure" and, thus, differ in scope from a method and apparatus for controlling the operation of a pulsatile heart assist device. Applicants have amended claims 39—48 to recite "In an apparatus for controlling the operation of a heart assist device" and "a pump for generating fluid pressure." Claims 1—38 were directed to a method and apparatus for controlling the operation of a pulsatile heart assist device and recited a pump. Applicants respectfully submit that claims 39—48, as amended, are directed to an elected invention.

An action on the merits is respectfully solicited.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 15-0665.

Respectfully submitted,  
ORRICK, HERRINGTON & SUTCLIFFE LLP

/Kenneth S. Roberts/

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By: \_\_\_\_\_  
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